

REMARKS

The Official Action of 8 March 2007 has been carefully considered and reconsideration of the application as amended is respectfully requested.

The indication that the previous rejections of record have been withdrawn is noted with appreciation. The sole remaining rejection is a new rejection under 35 USC 112, first paragraph, for alleged failure to comply with the written description requirement. Applicants respectfully traverse this rejection.

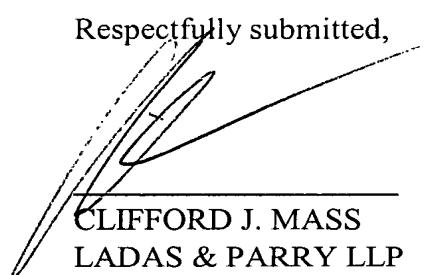
The claims have been amended more closely to comport with the literal language of the specification as filed at paragraphs [0063]-[0065], although there need not be literal support in the specification for compliance with the written description requirement. See MPEP 2163.02 (“The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement.”). The relevant inquiry is whether the specification as filed shows that Applicants had possession of the claimed invention as of the application filing date. MPEP 2163.02.

In this connection, the present specification at paragraph [0065] states that the irradiation of specific (tumor) locations localizes cell damage and the specification thus makes clear that, as of the application filing date, Applicants contemplated the selective irradiation of cells in a specific location of a subject (i.e., where a tumor is present). The paragraphs preceding this (i.e., paragraphs [0063]-[0064]) make clear that the result of the irradiation at

the specific location is that cells in the specific location comprising rose bengal in their lysosomes are disrupted. See specification at paragraph [0063] (“. . .the use of line emission x-rays tuned to iodine. . .will lead to a massive Auger cascade and disruption of the lysosomes and cell death.”). Accordingly, the specification makes clear that, as of the application filing date, Applicants had possession of a method for selectively disrupting cells in a specific location (a tumor-containing region) of a subject by (a) administering rose bengal to the subject (whereby to cause the rose bengal to accumulate in the lysosomes of cells of the subject- -see paragraph [0063]) and (b) irradiating the specific location with the claimed line emission x-rays (whereby selectively to disrupt cells in the specific location). Since the specification as filed shows that Applicants had possession of the subject matter now claimed as of the application filing date, the written description requirement is satisfied. See MPEP 2163.02.

In view of the above, Applicants respectfully submit that all rejections and objections of record have been overcome and that the application is now in allowable form. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,

  
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